



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

David P. Balding et al.

Application No.: 09/703,846

Filed: November 2, 2000

For: METHOD OF SELECTIVELY SHAPING
HOLLOW FIBERS OF HEAT
EXCHANGE CATHETER

) Office of Petitions

) Group Art Unit: 1732

) Examiner: William Krynski

) Confirmation No.: 2543

RECEIVED

OCT 25 2004

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.137(a) TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 9, 2003, a Notice of Abandonment was issued in the above-captioned application stating that the application is abandoned in view of Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

On September 5, 2003, Applicants submitted a Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment and seven (7) sheets of Formal Drawings. On January 30, 2004, said Petition was denied.

On or about February 9, 2004, Khaled Shami of this office, spoke via telephone with Examiner William Krynski regarding this matter. Examiner Krynski requested copies of reports from our docket system showing the Office Letter of March 26, 2003, from the U.S. Patent and Trademark Office, was never received by this office. In a letter dated February 9, 2004, to Examiner Krynski (a copy of which is enclosed), Mr. Shami faxed docket reports showing the communication was never received and a Patent Office PAIR Report which clearly makes no mention of the March 26, 2003 Office letter, and again petitioning the withdrawal of the abandonment.

On June 17, 2004, Applicants' Petition under 37 C.F.R. §1.181 was denied on the grounds that "[t]he evidence presented is insufficient to establish that the Office letter mailed March 26, 2003 was not received at the attorney's correspondence address. The evidence provided includes a statement by the petitioner that the

10/21/2004 EFLORES 00000097 09703846

01 FC:2452
Adjustment date: 04/14/2006 SDIRET1
10/21/2004 EFLORES 00000097 09703846
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Rep'n. Ref: 04/14/2006 SDIRET1 0014334900
DAH:024800 Name/Number:09703846
FC: 9204 \$55.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 20 2006

OFFICE OF PETITIONS

In re Application of
Balding et al.
Application No. 09/703,846
Filed: November 2, 2000
Title of Invention: Method of Selectively
Shaping Hollow Fibers of Heat Exchange
Catheter

ON PETITION

This is a decision on the "Petition Under 37 CFR 1.137(a) to Withdraw Holding of Abandonment Based on Failure to Received Office Action" filed October 20, 2004.

The petition to revive under 37 CFR § 1.137(a) is **DISMISSED** as moot.

In light of the decision granting the withdrawal of the holding of abandonment mailed on November 17, 2005, the petition under 37 CFR 1.137(a) is no longer required.

No fee is due in connection with this matter. Petitioner is entitled to a refund of the previously submitted petition fee of \$55.00. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision to should accompany any request for refund.

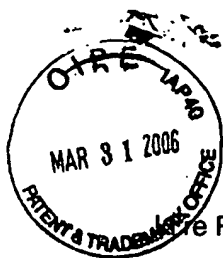
This decision is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEF 2 REF
PATENT MAINTENANCE
DIVISION

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US PATENT & TRADEMARK
OFFICE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Communication dated March 20, 2006, received from Charlema R. Grant, Petitions Attorney, Office of Petitions (a copy of which is enclosed), Applicants respectfully request a refund of the petition fee of \$55.00 previously submitted. This refund should be credited to Deposit Account No. 02-4800 and reference attorney docket number 032491-020.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: March 31, 2006

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